



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fourth periodic report of Kuwait*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide information, further to that provided in the State party's fourth periodic report,¹ about the constitutional and legal framework within which the Covenant is implemented. In this regard, please: (a) provide examples of any cases in which the courts have invoked or directly applied the provisions of the Covenant; (b) explain the status of the Covenant within the national legal order, particularly in cases of incompatibility between sharia and the provisions of the Covenant; and (c) clarify whether the State party intends to review its position regarding its interpretative declarations on articles 2 (1), 3 and 23 and the remaining part of its reservation to article 25 (b).

National human rights institution

2. Please provide detailed information on the activities undertaken by the National Bureau for Human Rights since its establishment, including the number of complaints received and referrals made and details on whether the referrals have led to prosecutions, convictions and reparations for victims. Please also indicate the number of visits it has made to places of detention, the number of recommendations it has issued and the extent to which its recommendations have been implemented. Please describe the measures adopted to ensure the independence, including financial independence, and effectiveness of the Bureau, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

3. Please provide information on the measures taken to raise awareness of the Covenant among lawyers, parliamentarians, law enforcement and security forces, and the public at large. Please update the Committee on the status of training and awareness-raising initiatives targeting judges and prosecutors, including the development and inclusion of a module on international human rights law in the syllabus of the Kuwait Institute for Judicial and Legal Studies.

Anti-corruption measures (arts. 2 and 25)

4. Please comment on reports that corruption, including bribe-seeking by public officials, remains widespread, and that the effectiveness of the Anti-Corruption Authority established under Act No. 2 of 2016 on establishing the Kuwait Anti-Corruption Authority and the Provisions on Disclosure of Assets and Liabilities is hampered by the lack of relevant powers to conduct robust investigations. Please provide information on the number of complaints received by the Anti-Corruption Authority during the reporting period and on related investigations, prosecutions and sanctions. Please also provide information on measures that have been put in place to ensure that whistle-blowers are able to report alleged corruption

* Adopted by the Committee at its 136th session (10 October–4 November 2022).

¹ [CCPR/C/KWT/4](#), paras. 4–18.



without fear of reprisals, and are encouraged to do so, in line with part V of Act No. 2 of 2016.

Discrimination against Bidoon (arts. 2, 12, 24 and 26)

5. Please provide information on measures to end all forms of discrimination against Bidoon residents and to integrate them into society, including the number of Bidoon to whom Kuwaiti citizenship has been granted during the reporting period, the number of citizenship applications from them that were rejected and the number that remain pending. Please report on measures, including legislative measures, taken to guarantee the right of all children born in Kuwait, especially Bidoon children, to acquire a nationality. Please comment on reports that Bidoon seeking to renew their identity cards are subjected to pressure to renounce Kuwaiti citizenship claims in order to secure the renewal. Please provide information on progress made during the reporting period to provide identity cards to all Bidoon residing in the State party and to provide them all, including children, with non-discriminatory access to health, education, employment, travel documents and other services.

Non-discrimination (arts. 2, 7, 9, 17, 20 and 26)

6. In the light of the Constitutional Court ruling of 16 February 2022 which found that article 198 of the Penal Code criminalizing “imitating the opposite sex” is unconstitutional, please indicate what measures the State party has taken to amend its legislation accordingly. Also in the light of that ruling, based on personal liberty guarantees under article 30 of the Constitution, please provide information on any plans to amend the State party’s legislation to decriminalize same-sex sexual activity among consenting adults. Please comment on reports that, on 20 June 2022, the Ministry of Commerce and Industry launched a censorship campaign against lesbian, gay, bisexual and transgender symbols and slogans, and inform the Committee about any measures that have been taken or are planned to put an end to the social stigmatization of people based on their sexual orientation or gender identity.

7. Please comment on reports of increasingly frequent hate speech and discriminatory discourse against migrant workers, including in the context of the coronavirus disease (COVID-19) pandemic. Please provide information on measures taken to combat hate speech and discriminatory discourse against foreigners, and the impact they have had.

Gender equality (arts. 2–3 and 26)

8. Notwithstanding the State party’s interpretative declarations on articles 2 (1), 3 and 23, please explain how the provisions in Kuwaiti law, notably the Personal Status Act (No. 51 of 1984), that provide for unequal rights in matters of marriage, divorce, parental authority, inheritance and the value of testimony in courts are compatible with the Covenant and with article 29 of the Constitution, which prohibits discrimination on the basis of gender, among other grounds. Please indicate whether the State party intends to amend the Nationality Act (No. 15 of 1959) in order to ensure that Kuwaiti women married to non-Kuwaiti men can transfer their nationality on an equal basis with Kuwaiti men. Please provide information on the implementation of measures to address discrimination faced by women in accessing the private sector labour market on equal terms as men, discrimination against and harassment of women in the workplace, and the underrepresentation of women in decision-making positions.

Violence against women and children, including domestic violence (arts. 2–3, 6–7, 24 and 26)

9. Please report on the measures taken to tackle gender-based violence against women and girls, including measures taken or envisaged to criminalize marital rape. Please provide information on the implementation of Act No. 16 of 2020 on protection from domestic violence, which provides for the establishment of a national committee on protection from domestic violence, the Child Rights Act (No. 21 of 2015), the Family Court Act (No. 12 of 2015) and Ministerial Decree No. 115 of 2016, and on the work of the respective bodies that have been created. Please also provide disaggregated data on the number of investigations, prosecutions and convictions of perpetrators, including the penalties imposed, and on the remedies and psychosocial support provided to victims.

Right to life (art. 6)

10. Please provide an exhaustive list of offences punishable by the death penalty and clarify whether there has been any comprehensive review of relevant legislation to ensure that the death penalty may be imposed only for the most serious crimes, as prescribed in article 6 (2) of the Covenant and section IV of the Committee's general comment No. 36 (2018) on the right to life. Please indicate whether the imposition of the death penalty is automatic and mandatory for certain categories of crimes. Please comment on information received according to which, on 2 August 2022, the Criminal Court sentenced to death three Iranian nationals for smuggling drugs, an offence which is not among those considered as the most serious crimes, in accordance with the Committee's general comment No. 36 (2018).

11. Please provide detailed information on all deaths during the reporting period of migrant workers, including migrant domestic workers, and comment on the measures that are in place to protect migrant workers' right to life, including the extent to which the implementation of those measures is effectively monitored and enforced. Please also comment on reports that, despite legislative restrictions, some migrant workers are required to work outdoors in extremely high temperatures, which poses a risk of death from heat exposure. Please provide information on efforts to investigate all deaths of migrant workers and to provide access to justice for the family members of those who have died, including reparations.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

12. Please update the Committee on the status of the bill currently before the National Assembly, which is intended to fully incorporate into domestic law a definition of torture that is fully compliant with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to provide for sanctions that better reflect the gravity of the offence. Please provide, for each year of the reporting period, detailed information on the number of investigations, disciplinary measures, prosecutions and convictions for such acts, including the penalties imposed and the operational entity of the perpetrators. Please include disaggregated data, including by sex and citizenship status of alleged victims, on complaints received and compensation and psychosocial support provided to victims.

Liberty and security of person and treatment of persons deprived of their liberty (arts. 9–10 and 14)

13. With reference to the Committee's previous concluding observations² and the information provided in the State party's fourth periodic report,³ please comment on the provisions of the Code of Criminal Procedure (Act No. 17 of 1960), as amended by Act No. 35 of 2016, which allow for deprivation of liberty for a period of up to four days in criminal cases before the detainee is heard by an investigator. With reference to the same section of the State party's report, please provide information on procedural safeguards in place regarding the granting of authority to investigators, instead of judges, to order detention and clarify the scope of offences for which investigators are granted this authority. Please comment on recent reports of overcrowding in prisons and deportation centres. Please include information on the current capacities, access to services, including health care, and occupancy rates in the central and public prisons, as well as the main deportation centre, and information on the use of alternatives to detention.

Exploitation and abuse of domestic workers (arts. 7–8, 12 and 26)

14. Please comment on reports that exploitation and abuse of domestic workers – the majority of whom are foreign – remains widespread, despite legislative reforms. Please report on the implementation of the Domestic Workers Act (No. 68 of 2015) and its implementing regulations, including measures taken to strengthen inspection of workplaces, and any

² CCPR/C/KWT/CO/3, paras. 26–27.

³ CCPR/C/KWT/4, paras. 96–99.

measures taken or planned to introduce background checks on employers. Please provide updated and disaggregated statistics on the type and number of complaints received, investigations, prosecutions and sanctions handed down for exploitation or abuse of domestic workers, as well as redress and rehabilitation measures provided to victims.

Forced labour, servitude and trafficking in persons (arts. 7–9 and 24)

15. Please provide up-to-date information on measures taken by the State party to end the *kafala* system of sponsorship of migrant workers, including the specific regime applicable to migrant domestic workers, and ensure that workers can report forced labour, exploitation and abuse to public authorities without fear of reprisal from their employer, loss of livelihood or risk of deportation.

16. Please elaborate on the State party's response to human trafficking by providing information about: (a) the implementation of the Prevention of Trafficking in Persons and Smuggling of Migrants Act (No. 91 of 2013); (b) the implementation of the national referral system for the prevention of human trafficking, adopted in December 2019, and the services in place for victims of trafficking, including shelters; and (c) the number and type of complaints, investigations, prosecutions and convictions secured under the Act and the reparations and psychosocial assistance provided to victims.

17. Please provide information on the inspection of workplaces and the monitoring of recruitment agencies, including measures taken to address, inter alia, the fraudulent sale of visas, which often leaves migrant workers vulnerable to exploitation in the informal employment sector. Please also provide information on the reported use of digital platforms to facilitate trafficking and forced labour of migrant domestic workers.

Administrative deportations, appeals and remedies (arts. 9 and 13)

18. Please comment on reports that non-citizens are frequently deported for minor offences, and that the duration of detention prior to deportation can be excessively long and above the limit established by law. For each year of the reporting period, please provide information on the number of aliens lawfully resident in the territory who have been the subject of deportation decisions, the number of deportations carried out, the number of individuals detained for over 30 days prior to deportation, and details of the legal grounds on which the relevant decisions were based, disaggregated by type of deportation regime (judicial or administrative deportation). Please explain how the absence of provisions in Kuwaiti law for the review of administrative deportation decisions is compatible with the provisions of article 13 of the Covenant.

Right to privacy (art. 17)

19. With reference to the State party's report,⁴ please explain how the requirement for marriage candidates to undergo a medical examination to ensure that neither of them has any physical or psychological conditions that would constitute an impediment to the union is compatible with provisions of article 17 of the Covenant on the right to privacy.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

20. Please report on the measures taken to ensure that the right to freedom of conscience and religious belief is fully respected, in law and in practice, on a non-discriminatory basis, and includes conscientious objection to military service. Please provide details on the legal and administrative framework in place governing the registration of religious groups and the granting of licences for the construction of places of worship or religious schools by communities practising religions other than Sunni Islam, and report on any measures taken to facilitate the practising of religion by such communities. Please indicate whether steps have been taken to amend all laws, regulations and practices that discriminate on the basis of religion, such as the prohibition of the naturalization of non-Muslims, or the non-issuance of new official documents to people who change religion to adopt a religion other than Islam.

⁴ CCPR/C/KWT/4, para. 48.

Freedom of expression (art. 19)

21. Please comment on multiple reports of an increasingly repressive environment for freedom of expression, notably online, characterized by active monitoring of Internet communications, blocking of websites, disproportionate sanctions (including lengthy custodial sentences under laws criminalizing defamation and blasphemy) for the legitimate expression of critical views or sharing of information, and increasing self-censorship. In this regard, please comment on the revocation of the operating licences of 90 news websites in June 2022 by the Ministry of Information and Culture and provide information on the current status of the action being taken against those websites, including details of any prosecutions. Please also comment on reports of the increasingly frequent prosecution of bloggers and activists on charges such as insulting the Emir, criticizing the Government, insulting religion, criticizing the Governments of neighbouring countries, spreading false news and undermining the State's efforts to control the spread of COVID-19. Please include disaggregated data on the total number of people arrested, prosecuted and convicted for offences concerning the expression of views and the sharing of information during the reporting period, including details of the legal bases for the charges and sanctions handed down, as well as the cumulative total of the number of people currently detained for such offences.

Right of peaceful assembly (arts. 2 and 21)

22. With reference to the Committee's general comment No. 37 (2020) on the right of peaceful assembly, please indicate whether the State party intends to amend the Public Gatherings Act of 1979 to remove the requirement to obtain prior authorization for public gatherings, including protests. Please provide details of the number of such requests that have been refused during the reporting period. Please comment on reports that law enforcement officers have used excessive force to disperse peaceful assemblies and have carried out arbitrary arrests, detention and prosecutions of individuals who were exercising their right to peaceful assembly. Please clarify how the use of firearms pursuant to Ministerial Decision No. 33 to disperse a gathering or demonstration of persons who plan to commit a crime or who may endanger public security complies with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in particular principle 14. Please explain how the denial of the right of peaceful assembly to non-citizens, contained in article 12 of the Public Gatherings Act, is compatible with the provisions of the Covenant and comment on reports that this restriction has been used to suppress peaceful protest by Bidoon.

Freedom of association (arts. 2 and 22)

23. Please comment on the compatibility with the provisions of the Covenant of the broad and vaguely worded criteria that are applied in assessing applications for registration of civil society organizations and in decisions on the dissolution of such organizations, which include the requirement that they be necessary in the interests of members of society. Please provide information on the number of licence applications that were received and the number that were rejected or went unprocessed during the reporting period, as well as the number of registered non-governmental organizations in the State party that have had their licence dissolved under Act No. 24 of 1962, including details of the grounds for any rejections or dissolutions. Please explain how the denial of the right to freedom of association to non-citizens, particularly Bidoon, is compatible with the provisions of the Covenant.

Participation in public affairs (arts. 2–3 and 25–26)

24. Please provide information on efforts to address the cultural barriers that result in the continued low representation of women in positions of elected office. Please comment on reports that naturalized Kuwaiti citizens are denied the right to vote for 20 years and do not have the right to be elected as members of the National Assembly or municipal councils or to hold ministerial office, explaining how such differentiation is compatible with the State party's obligations under the Covenant.